IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 20154 OF 2005

Date: 16.09.2005

BETWEEN:

1. S. Nanda Kumar and others

…. PETITIONERS

Vs.

1. The District Collector, Ranga Reddy District, Lakdikapool, Hyderabad, and others.

…. RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO. 20154 OF 2005

ORDER:

These five petitioners seek a Writ of Mandamus declaring the action of the respondents 1 and 2 in interfering and demolishing the houses of the petitioners constructed in the land in S.Nos.111, 112 to 117/1 and 117/2 of Sri Saibabanagar Colony, Balanagar Mandal, as illegal and arbitrary. They also seek a consequential direction to the respondents not to demolish the houses of the petitioners.

The petitioners allege that they purchased small extents of land in Sri Saibabanagar from Sri E.S. Sethji and some of them allegedly constructed houses also. It appears, the land in S.Nos.111, 112 to 117/1 and 117/2 of Balanagar Mandal was declared as surplus land under the provisions of Urban Land (Ceiling and Regulation) Act, 1976 (for short 'the Act'). Therefore, the petitioners also paid necessary amounts for the surplus land. But, still the third respondent along with the subordinate officials visited the houses of the petitioners and attempted to demolish the same. Therefore, the present writ petition is filed.

As the petitioners allege that the respondents initiated action without issuing any

notice, the learned Assistant Government Pleader was directed to get instructions in the matter. Today, when the matter is called, the learned Assistant Government Pleader for Revenue (General) Sri V. Suryakiran submits that the land in S.Nos.111 to 118 admeasuring Acs.18.02 of Balanagar Mandal are belonging to Mallaiah, who filed a declaration under Section 6(1) of the Act and was declared surplus landholder. However, the land in S.Nos.111 to 118 was treated as agricultural land. After the master plan was extended to the area, the shareholders in the property filed necessary declarations and the vacant land was computed after allowing 1000 square meters to seven individuals including Mallaiah. He also brought to the notice of this Court that all the petitioners, who purchased the property comprised in various survey numbers covered by the Act, also made applications to the Government as per G.O.Ms.No.455, and these applications are pending before the Special Officer for Urban Land Ceiling.

As the petitioners applications are also pending with the Special Officer for regularization, it is not proper for the respondents to take any coercive action, especially, when they were not given any notice of such action. Therefore, unless and until the petitioners are given a notice the respondents may not take any coercive action. There shall be status quo as on today. The petitioners are also directed not to make any further constructions on the land.

The Writ Petition, with the above observations, is accordingly disposed of at the admission stage.

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(**V.V.S. RAO, J.)**

16th September, 2005

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